

Amend Section 40-187 to read:

40-187 INTERCOUNTY TRANSFER

40-187

.1

The following definitions pertain to intercounty transfer (ICT) and intercounty collection (ICC) procedures in Sections 40-188 through 40-197.
(Continued)

Authority Cited: Sections 10553, 10554, 10604, 11053, and 11102, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, 11450.018(a) and (b) and 11452.018(a), Welfare and Institutions Code.

Amend Section 40-188 to read:

40-188 TRANSFER PROCEDURE

40-188

.1 First County

The first county shall: (Continued)

.13 Provide Documentation

Provide the second county with copies of the most recent: (Continued)

.139

Overpayment repayment record for overpayment(s) that will not be repaid before the end of the transfer period and will continue to be recouped by the second county through grant adjustment. (Continued)

Authority Cited: Sections 10553, 10554, 10605, 11053, 11102, and 11369, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10605, Welfare and Institutions Code; and Nickols v. Saenz Court Order Case Number 310867.

Amend Section 40-190 to read:

40-190 COUNTY RESPONSIBILITY (Continued)

40-190

.5 Overpayment Adjustment During Transfer Period

When the grant has been reduced to recoup an overpayment:

.51 First County

If the overpayment adjustment will continue beyond the transfer period, then the first county shall transmit the current repayment record and notify the second county to continue the overpayment adjustment until repaid in full or aid is discontinued upon expiration of the transfer period.

.52 Second County

~~The second county shall continue to recoup the overpayment until it is repaid in full, the recipient moves to a subsequent county, or payment of aid is discontinued.~~ When the intercounty transfer is completed, the second county shall continue to recoup the overpayment by grant adjustment until:

.521 Repaid in Full

The overpayment is repaid in full, or

.522 Intercounty Transfer

The recipient moves to a subsequent county and, pursuant to an intercounty transfer, that county assumes responsibility for collection of the overpayment, or

.523 Aid is Discontinued

Payment of aid is discontinued, at which time the second county is responsible for recouping the balance of the overpayment through appropriate collection procedures.

.53 Retain Collections

Regardless of where the overpayment originated, the county that collects the overpayment will retain the amount collected and receive any collection incentives.

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See Sections 44-351 and 44-352, overpayment recovery and recoupment.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 10604, 11053, 11102, and 11369, Welfare and Institutions Code.

Reference: Sections 10553, 10554, ~~and~~ 10604, and 11004, Welfare and Institutions Code.

Amend Section 63-801 to read:

63-801 CLAIMS AGAINST HOUSEHOLDS (Continued)

63-801

.7 Method of Collecting Payments (Continued)

.78 Interstate/Intercounty Claims Collection (Continued)

.782 In cases where a household moves from one county to another within the state;
and

- (a) The household continues to receive food stamp benefits, the CWD in the former county of residence where the overissuance occurred shall initiate or continue collection action against the household. If the CWD in the county where the household was overissued benefits is unable to take action to collect, then the CWD in the county of the household's new residence shall initiate action to collect the overissuance. However, prior to initiating action to collect such overissuances, the CWD in the household's new county of residence shall contact the CWD in the county where the overissuance occurred to ascertain that it is unable to pursue collection action. The claim collection incentive is retained by the CWD which collects the overissuance shall promptly transmit all overissuance information to the current county of residence. The current CWD shall initiate or continue the overissuance collection until repaid in full or the recipient moves to a subsequent county and that CWD takes responsibility for the collection of the overissuance, or
- (b) The household no longer receives food stamp benefits, the last CWD responsible for the initiation or collection of the overissuance shall continue to collect the overissuance until repaid in full.

HANDBOOK BEGINS HERE

A household resides in County A and is not currently receiving food stamp benefits. However, there is an outstanding overissuance claim in which County A has established and is collecting against the household. Subsequently, the household moves to County B, applies for and receives food stamp benefits. County A still has an outstanding claim against the household. Upon issuance of food stamp benefits to the household by County B, County A promptly transmits all overissuance information to County B. County B shall now collect any outstanding overissuance in accordance with Section 63-801.

HANDBOOK ENDS HERE

.783 Claim collection incentives shall be paid to the CWD only for the overissuances recovered by that county. (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 CFR 271.2; 7 CFR 273.18, 7 CFR 273.18(a), (a)(1)(ii), and (a)(2); 7 CFR 273.18(b)(3); 7 CFR 273.18(c)(1)(i), (c)(1)(ii), (ii)(b), and (c)(2)(ii) (Federal Register, Vol. 58, No. 209, pp. 58454 and 58455, dated November 1, 1993); 7 CFR 273.18(d)(4)(iii); 7 CFR 273.18(e)(1); 7 CFR 273.18(e)(3)(iv); 7 CFR 273.18(e)(3)(v); 7 CFR 273.18(e)(5)(v); 7 CFR 273.18(e)(6)(ii); 7 CFR 273.18(e)(7)(i); 7 CFR 273.18(f); 7 CFR 273.18(g)(4)(ii); 7 CFR 273.18(g)(6); 7 CFR 273.18(g)(8); 7 CFR 273.18(g)(9); 7 CFR 273.18(h)(4); 7 CFR 273.18(i); 7 CFR 273.18(k)(5); 7 CFR 273.18(n)(1)(i); 7 U.S.C. 2022(a)(1); U.S.D.A., Food and Nutrition Service letter WFS-100:FS-10-6-CA, dated October 7, 1991; P.L. 104-193, Sections 809 and 844 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and Lomeli v. Saenz, Sacramento Superior Court, Case #98CS01747.